

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
August 15, 2005

D044362 Milhous et al. v. Franchise Tax Board

The order awarding the Milhouses litigation fees in excess of the statutory minimum is affirmed except insofar as it does not provide any compensation for amounts the Milhouses incurred in opposing the FTB's motion for summary judgment billed by STS. As to these later items, the order is reversed and remanded to the trial court with instructions to award the Milhouses the reasonable fees incurred in opposing the FTB's motion for summary judgment⁵. The Milhouses to recover their costs.

⁵The trial court is also instructed to award the Milhouses the reasonable attorney fees incurred on this appeal as well as on the related appeal, D043058.

Benke, J.; We Concur: McConnell, P.J., Huffman, J.

D046742 Yum Yum Donut Shops, Inc. v. Superior Court of San Diego County/Rodriguez
The petition is denied.

D046262 Pricesmart, Inc. v. Go et al.

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately.

D046769 Fagan v. Superior Court of San Diego/People of the State of California

At the request of the petitioner, the petition for writ of mandate is dismissed. The stay issued July 21, 2005 is vacated.

D046918 In re Wright on Habeas Corpus

The petition is denied.

D046721 Gomez et al. v. The Drapery Shop, Inc., et al.

Appellants' unopposed Motion to Set Aside Dismissal and Allow Reinstatement of Appeal is granted. The order, dated July 19, 2005, dismissing the appeal for failure to pay filing fees is vacated and the appeal is reinstated.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
August 16, 2005

D046743 Pacifica Hotel Company et al. v. Workers Compensation Appeals Board and Carlos Carrillo

The petition is denied. The matter is remanded to the Board to determine a reasonable attorney fee for services rendered by Chavez's counsel in connection with the petition. (Lab. Code, section 5801).

D046365 Rosemary H. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The petition is denied. Haller, Acting P.J.; We Concur: McDonald, J., McIntyre, J.

D045991 People v. Yanez

Upon filing an abandonment of appeal, the appeal is dismissed.

D045713 In re Savannah M. et al., a Juvenile

The opinion filed July 20, 2005, is ordered certified for publication.

D043154 Brown Field Aviation Park, LLC v. PB Aviation, Inc.

It is ordered that the opinion filed herein on October 16, 2001, is modified. There is no change in judgment. The petition for rehearing is denied.

D043955 Jones et al. v. Daley et al.

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 20(c)(2)).

D046587 People v. Espinoza

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately.

D046749 In re Raskin-White on Habeas Corpus

The petition is denied.

D046959 Janoe v. Superior Court of Imperial County/The People

The petition is denied.

D044886 Howell, Jr. v. Burns

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 20(c)(2)). Each party to bear own costs on appeal.

D045230 Howell, Jr. v. Burns

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 20(c)(2)). Each party to bear own costs on appeal.

D046960 Wells Fargo Bank et al. v. Superior Court of San Diego County/Lew

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
August 17, 2005

D044036 People v. Enriquez

We affirm the judgment. Irion, J.; We Concur: Benke, Acting P.J., Huffman, J.

D045814 In re Esmeralda M. et al., Juveniles

Affirmed. Benke, J.; We Concur: McConnell, P.J., McDonald, J.

D043974 Fire Insurance Exchange v. Sadeghini

The judgment is affirmed. Costs on appeal to Respondent. Huffman, J.; We Concur: Benke, Acting P.J., McDonald, J.

D046392 People v. Peterson

Upon filing an abandonment of appeal, the appeal is dismissed and the remittitur is ordered to issue immediately.

D045621 Lopez et al. v. Imperial Irrigation District

Upon written stipulation filed by the parties to the appeal, the appeal and cross-appeal are dismissed and the remittitur is ordered to issue immediately. Each party to bear own costs on appeal.

D045368 People v. Thomas

The judgment is affirmed. Haller, J.; We Concur: Huffman, Acting P.J., McDonald, J.

D045382 Coshow et al. v. City of Escondido et al.

The judgment is affirmed. Haller, J.; We Concur: McConnell, P.J., Irion, J.

D045162 People v. Golden

The judgment is affirmed. McIntyre, J.; We Concur: Huffman, Acting P.J., McDonald, J.

D046301 In re Triston R., a Juvenile

The opposed motion to dismiss the appeal, filed by the child's appellate counsel on August 1, 2005, has been considered by Justices Haller, McIntyre, and Irion and is granted. The appeal is dismissed.

D046828 In re Jackson on Habeas Corpus

The petition is denied.

D045498 Tiu v. County of San Diego

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 17(a). The appeal is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
August 18, 2005

D046646 In re Giani J. et al., Juveniles

The opinion is dismissed. McIntyre, J.; We Concur: McConnell, P.J., Irion, J.

D046741 In re Shaw on Habeas Corpus

The petition is denied.

D046952 In re Consiglio on Habeas Corpus

The petition is denied.

D046951 In re Consiglio on Habeas Corpus

The petition is denied.

D045399 People v. Cea

The petition for rehearing is denied.

D046776 In re Gomez on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
August 19, 2005

D044462 Tamola et al. v. Adea et al.

The order of the trial court denying appellants' motion to set aside the dismissal of their case is affirmed. Aaron, J.; I Concur: McConnell, P.J.; I Concur In the Result: Irion, J.

D046832 People v. Superior Court of San Diego County/Godinez

Let a peremptory writ of mandate issue directing the superior court to vacate the May 23 sentence and hold further proceedings on sentencing. This opinion is made final immediately as to this court. McIntyre, J.; We Concur: McConnell, P.J., Irion, J.

D046895 People v. Godinez

The appeal is DISMISSED as moot in light of the disposition in People v. Superior Court (Godinez) (D046832).

D044492 Ghosn v. Ghosn

The petition for rehearing is denied.

D046369 In re Jason C., a Juvenile

The appeal is dismissed. McConnell, P.J.; We Concur: McDonald, J., O'Rourke, J.

D045115 In re Tommy A., a Juvenile

The opinion filed July 25, 2005, is ordered certified for publication.

D045901 Geraci et al. v. Frantz et al.

In the appeal filed on March 25, 2005, by Alan L. Geraci and Frantz & Geraci, no civil case information statement or copy of a judgment has been filed. The appeal is dismissed.

D046542 In re R.S., a Juvenile

The appeal is dismissed. O'Rourke, J.; We Concur: McIntyre, Acting P.J., Irion, J.

D045236 Corelis v. Tri-City Medical Center

The judgment is affirmed. Respondent is entitled to its costs on appeal. McIntyre, Acting P.J.; We Concur: O'Rourke, J., Irion, J.

D045177 People v. Jefferson

The judgment is modified to stay punishment on count 2 and to delete the imposition of sentence on the enhancement allegation relating to that count. As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment reflecting these modifications and to forward a certified copy of the amended abstract to the Department of Corrections. McIntyre, J.; We Concur: Haller, Acting P.J., McDonald, J.

D046877 In re Riccio on Habeas Corpus

The petition is denied.

D046938 In re Lacour on Habeas Corpus

The petition and motion for a stay are denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
August 19, 2005 (Continued)

D046827 In re Hernandez on Habeas Corpus

The petition is denied.

D046751 Michelle G. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

No timely petition for writ relief has been filed. The notice of intent is deemed to be abandoned. The case is dismissed.

D046562 Evangeline B. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

An amended petition has not been filed within the time specified in this court's order of July 13, 2005. The case is dismissed.

D046642 Ofelia H. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

An amended petition has not been filed within the time specified in this court's order of July 22, 2005. The case is dismissed.

D046418 In re Alonzo R., a Juvenile

Appellant, Abraham R., has failed to file a brief after notice given pursuant to California Rules of Court, rule 17(a)(1), 37.3(b)(5), and 37.4(a)(2). The appeal of Abraham R. is dismissed.